

GORDON SILVER
MOLLY M. REZAC, ESQ.
NEVADA BAR NO. 7435
EMAIL: MREZAC@GORDONSILVER.COM
JOEL Z. SCHWARZ, ESQ.
NEVADA BAR NO. 9181
EMAIL: JZS@GORDONSILVER.COM
100 W. LIBERTY STREET, SUITE 940
RENO, NV 89501
TEL: (775) 343-7500
FAX: (775) 786-0131

ATTORNEYS FOR DEFENDANT RITZ TRANSPORTATION, INC.,
AWG AMBASSADOR, LLC, ALAN WAXLER
AND RAYMOND CHENOWETH

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FRANK COHN, Individually and on behalf of a class of all similarly situated persons. **CASE NO. 2:11-CV-01832-JCM-RJJ**

Plaintiffs,

v.

RITZ TRANSPORTATION, INC., AWG
AMBASSADOR, LLC., ALAN WAXLER, and
RAYMOND CHENOWETH,

Defendants.

JOINT STATUS REPORT

In preparation of the status conference set for December 10, 2012, the parties hereby submit the following status report:

On October 4, 2012, this Court held a hearing regarding the parties Joint Motion to Extend Discovery Deadlines. At that hearing, the parties advised the Court of the multiple issues affecting discovery in this case. First, the payroll documentation in this matter is complicated due to a merger and the location of payroll documents. Second, counsel for plaintiffs experienced medical issues requiring emergency surgery and extensive recovery time. At the

1 hearing in September, the parties informed the court of these issues and discussed the additional
2 discovery that needed to occur, together with the possibility of entering into settlement
3 negotiations. The Court entered its order denying the motion to extend discovery without
4 prejudice in order to allow the parties to gain an accurate understanding of the potential class
5 damages at issue and possible settlement.

6
7 It has been discovered that payroll documentation needs further evaluation due to the fact
8 that the reports that can be generated do not include all hours per day and per workweek as will
9 be required for the parties to evaluate the possible class damages. The parties are working
10 together to attempt to gather the information. In addition, defendants now believe that the
11 "notice" list that was provided to plaintiffs may have not properly reflected the parameters of any
12 potential Rule 23 class. That list contained names of individuals that were not shuttle drivers,
13 and therefore, in defendants' view, would not be part of the Rule 23 class alleged to be at issue in
14 this case. As a result of these discoveries, evaluation of the potential class damages is still on-
15 going.

16
17 Prior to the discovery deadlines, Plaintiffs had noticed the deposition of Alan Waxler and
18 had requested dates for the deposition of Ray Chenoweth. Unfortunately, Mr. Waxler's
19 deposition had to be vacated due to Plaintiffs' counsel, Mr. Gabroy's medical emergency. In
20 addition, as represented to this Court in the status hearing, Plaintiffs counsel's team intend to
21 have Mr. Gabroy take those depositions. After the hearing, counsel agreed that the time and
22 resources of the parties should be spent on evaluation of the scope of the potential class damages
23 in this case and possible settlement discussions rather than the time and expense of depositions.
24 Therefore, the depositions of Mr. Waxler and Mr. Chenoweth were not reset.

25
26 The parties hereby request that the court enter an order granting the parties 60 days to
27 pursue settlement and file a further status report upon the conclusion of such 60 day period. In
28

1 such status report the parties will advise (1) Whether they are in a position to discuss settlement,
2 meaning they have sufficient information on the potential class damages; (2) And if they have
3 such sufficient information and have not been successful in settling the case whether they will
4 proceed to engage an independent mediator to assist in settlement or wish to have the Court set a
5 settlement conference in this matter, the parties making a commitment to engage in one of those
6 activities. In the event that settlement is still unsuccessful after such mediation efforts or
7 settlement conference, the parties will request that a new discovery schedule be set to conduct
8 additional depositions, including the depositions of Mr. Waxler and Mr. Chenoweth, and any
9 remaining discovery and potentially dispositive motions
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 DATED this 6th day of December, 2012.
2 GORDON SILVER

3
4 By: /s/ Molly Rezac
Gordon Silver
5 MOLLY M. REZAC, ESQ.
Nevada Bar No. 7435
6 Email: mrezac@gordonsilver.com
JOEL Z. SCHWARZ, ESQ.
7 Nevada Bar No. 9181
Email: JZS@gordonsilver.com
8 100 West Liberty St.
Suite 940
9 Reno, NV 89501

10 *Attorneys for Defendant Ritz Transportation,*
Inc.,
11 *AWG Ambassador, LLC, Alan Waxler*
And Raymond Chenoweth

DATED this 6th day of December, 2012.

By: /s/ Leon Greenberg
LEON GREENBERG, ESQ.
Nevada Bar No. 8094
LEON GREENBERG P.C.
Email: leongreenberg@overtimelaw.com
DANA SNIEGOCKI, ESQ.
Nevada Bar No. 11715
Email: dana@overtimelaw.com
2965 South Jones Blvd. Suite E4
Las Vegas, NV 89146

CHRISTIAN GABROY, ESQ.
Nevada Bar No. 8805
GABROY LAW OFFICES
Email: Christian@gabroy.com
The District at Green Valley Ranch
170 S. Green Valley Pkwy, Ste 280
Henderson, NV 89102

Attorneys for Plaintiff Frank Cohn

CERTIFICATE OF SERVICE

I certify that I am an employee of GORDON SILVER, and that on this date, pursuant to FRCP 5(b), I am serving the attached copy of a **STATUS REPORT** on the party set forth below by:

- X Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail at Reno, Nevada, postage prepaid, following ordinary business practices
- Certified Mail, Return Receipt Requested
- Via Facsimile (Fax)
- Placing an original or true copy thereof in a sealed envelope and causing the same to be personally Hand-Delivered
- Federal Express (or other overnight delivery)
- E-service effected by CM/ECF

addressed as follows:

Leon Greenberg, Esq.
Dana Sniegocki, Esq.
Leon Greenberg Professional Corporation
2965 South Jones Boulevard, Suite E-4
Las Vegas, NV 89146
Attorney for Plaintiff

Christian Gabroy, Esq.
Gabroy Law Offices
The District at Green Valley Ranch
170 S. Green Valley Pkwy, Suite 280
Henderson, NV 89012
Attorney for Plaintiff

DATED this 6 day of December, 2012.

 /s/ Michelle Walsh
An employee of GORDON SILVER